

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Application of Sprint Corporation)	
)	
For Designation as an Eligible)	
Telecommunications Carrier)	
in the State of Alabama)	
)	
)	
Federal-State Joint Board on Universal)	CC Docket No. 96-45
Service)	

**APPLICATION OF SPRINT CORPORATION
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF ALABAMA**

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September 5, 2003

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IN THE STATE OF ALABAMA**

INTRODUCTION AND SUMMARY

Sprint Corporation, on behalf of its Wireless Division ^{1/} (“Sprint”) and pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”), hereby petitions the Commission for designation as an Eligible Telecommunications Carrier (“ETC”) in the portions of its licensed service area in the State of Alabama that are served by non-rural incumbent local exchange carriers (“ILECs”), specifically BellSouth Telecommunications Inc., CenturyTel of Alabama LLC (Northern), and CenturyTel of Alabama LLC (Southern), for purposes of receiving federal universal service support. As demonstrated below, Sprint satisfies the

^{1/} Sprint’s Wireless Division consists of Sprint Spectrum, L.P., WirelessCo, L.P., SprintCom, Inc., Sprint PCS License, L.L.C., APC PCS, LLC, PhillieCo, L.P., and other wholly-owned and controlled affiliates.

prerequisites for ETC designation set forth in the Act and the Commission's rules, and Sprint's designation will serve the public interest.

I. SPRINT'S UNIVERSAL SERVICE OFFERING.

Sprint is authorized to provide broadband personal communications service ("PCS") in Alabama pursuant to Part 24 of the Commission's rules. Sprint is a common carrier, consistent with the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1), and is a commercial mobile radio service ("CMRS") provider as set forth in 47 U.S.C. § 332(c)(1).

Sprint intends to obtain universal service support funding in certain of the high-cost areas served by non-rural carriers in Alabama. As required, this funding will be used only to support the provision, upgrading, and maintenance of Sprint's all-digital wireless network in Alabama. As a result, Sprint will be able to increase the service quality and geographic coverage of its network. In addition, designation of Sprint as an ETC will speed the deployment of advanced wireless network facilities that support provision of both basic wireless services and higher-bandwidth and enhanced services to consumers in Alabama.^{2/} As an ETC, Sprint will also offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. Sprint's service offerings are competitive with those of the ILECs.

^{2/} See *Federal-State Joint Board on Universal Service*, Order and Order on Reconsideration, CC Docket No. 96-45, FCC 03-170, ¶ 13 (released July 14, 2003) ("*Definition of Universal Service Order*") ("[W]e continue to support the Commission's prior conclusion that 'our universal service policies should not inadvertently create barriers to the provision or access to advanced services, and. . . that our current universal service system does not create such barriers.' Thus, even though advanced services are not directly supported by federal universal service, '[Commission] policies do not impede the deployment of modern plant capable of providing access to advanced services.' We recognize that the network is an integrated facility that may be used to provide both supported and non-supported services.").

The Applicant, Sprint, has its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas. All correspondence regarding this Application should be directed to the undersigned counsel for Sprint:

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Senior Attorney, PCS Regulatory Affairs
Sprint Corporation
401 Ninth St., N.W., Suite 400
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II. SPRINT SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC.

Sprint satisfies each of the elements required for ETC designation, as shown below.

A. The State Commission in Alabama Has Provided Affirmative Statements That It Lacks Authority to Designate CMRS Carriers As ETCs.

In the *Section 214(e)(6) Public Notice*, the Commission established that a carrier must demonstrate it is “not subject to the jurisdiction of a state commission” in order to petition the Commission for designation as an ETC.^{3/} Specifically, in its *Twelfth Report and Order* in the Universal Service docket, the Commission stated that where a carrier provides the Commission with an “affirmative statement” from the state commission or a court of competent jurisdiction that the state commission lacks jurisdiction to perform the designation, the Commission will consider requests filed pursuant to 214(e)(6), and has “commit[ted] to resolve, within six months of the date

^{3/} *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 22947, 22948 (1997) (“*Section 214(e)(6) Public Notice*”), citing 47 U.S.C. § 214(e)(6).

filed at the Commission, all designation requests for non-tribal lands that are properly before us pursuant to section 214(e)(6).”^{4/}

The Alabama Public Service Commission (“Alabama PSC”) has affirmatively stated that it lacks jurisdiction over ETC applications by CMRS carriers. Specifically, the Alabama PSC has determined that it “has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama,” and that “wireless providers seeking ETC status should pursue their ETC designation request with the FCC.”^{5/} This Commission has asserted jurisdiction more than once over previous ETC applications submitted by wireless carriers for Alabama.^{6/}

It is thus well settled that the Alabama PSC is without authority to take action on Sprint’s ETC Application, and that the orders cited above provide the requisite “affirmative statement” in full satisfaction of Section 214(e)(6). Consequently, the FCC is the appropriate regulatory authority to consider Sprint’s Application for ETC status in Alabama.

^{4/} *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, 15 FCC Rcd 12208, 12265, ¶ 114 (2000).

^{5/} *Petition of Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. for ETC Status and/or Clarification Regarding the Jurisdiction of the Commission to Grant ETC Status to Wireless Carriers*, Order, Docket U-4400, at 2 (Ala. Pub. Svc. Comm’n, Mar. 12, 2002) (emphasis in original). A copy of this order is attached as Exhibit D.

^{6/} *See Cellular South License, Inc. Petition for Designation as an Eligible Telecommunications Carrier Throughout Its Licensed Service Area in the State of Alabama*, Memorandum Opinion and Order, 17 FCC Rcd 24393, 24397-98, ¶¶ 12-13 (Wireline Comp. Bur. 2002); *RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama*, Memorandum Opinion and Order, 17 FCC Rcd 23532, 23536-37, ¶¶ 12-13 (Wireline Comp. Bur. 2002); *Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 17 FCC Rcd 9589, 9593, ¶ 9 (Wireline Comp. Bur. 2002).

B. Sprint Provides Each of the Services Supported By the Federal High-Cost Universal Service Program.

Sprint provides all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Commission's rules, throughout the service area for which it seeks ETC designation in Alabama.

In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area. 47 U.S.C. § 214(e)(1). The Commission has identified the following services and functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

1. Voice-grade access to the public switched telephone network;
2. Local usage;
3. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
4. Single-party service or its functional equivalent;
5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange service;
8. Access to directory assistance; and
9. Toll limitation for qualifying low-income consumers.

For purposes of ETC applications, carriers must certify that they provide each of the supported services, or where appropriate, its functional equivalent.^{7/} As

^{7/} Section 214(e)(6) Public Notice, 12 FCC Rcd at 22948 & n.5.

shown below and in the Declaration attached as Exhibit A hereto, Sprint provides the required services throughout the area for which it seeks designation.

1. Voice-grade access to the public switched network. The Commission has concluded that voice-grade access means the ability to make and receive phone calls, within a specified bandwidth and frequency range.^{8/} Sprint meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with local exchange carriers, all customers of Sprint are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. Local usage. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering.^{9/} Sprint includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage.

3. Dual-tone multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the Commission permits carriers to provide signaling that is

^{8/} *Federal-State Joint Board on Universal Service*, First Report and Order, 12 FCC Rcd 8776, 8810-12, ¶¶ 63-64 (1997) (“*First Report and Order*”), *subsequent history omitted*.

^{9/} The Commission has rejected proposals to require unlimited local usage, and has not quantified any minimum amount of local usage required to be included in a universal service offering. In the *First Report and Order*, the Commission deferred a determination on the amount of local usage that a carrier would be required to provide. *Id.* at 8812-14, ¶¶ 65-69. The Commission later issued a Notice of Proposed Rulemaking seeking comment on how much, if any, local usage an ETC should be required to offer, *Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21279-81, ¶¶ 50-53 (1998), but more recently, the Commission decided to “adopt[] the Joint Board recommendation that unlimited local usage should not be added to the list of supported services.” *Definition of Universal Service Order*, ¶ 14.

functionally equivalent to DTMF, such as out-of-band digital signaling, in satisfaction of this requirement.^{10/} The DTMF-emulating service offered by Sprint, like that offered by other CMRS providers, satisfies this requirement.

4. Single-party service or its functional equivalent. “Single-party service” means that only one party will be served by a subscriber loop or access line (in contrast to a multi-party line).^{11/} The Commission has concluded that a wireless provider offers the equivalent of single-party service when it offers a dedicated message path for the length of a user’s particular transmission.”^{12/} Sprint meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

5. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Sprint currently provides its subscribers with access to 911 emergency services in accord with this requirement, and consistent with Commission regulations throughout the service area for which designation is sought. Sprint also provides Enhanced 911 services, including Phase I and Phase II E-911 services, where requested by local public safety authorities ready to receive the information and where such services are supported by the local exchange carrier.

6. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or

^{10/} 47 C.F.R. § 54.101(a)(3); *First Report and Order*, 12 FCC Rcd at 8814-15, ¶ 71.

^{11/} *First Report and Order*, 12 FCC Rcd at 8810, ¶ 62.

^{12/} *Id.*

completion, or both, of a telephone call.^{13/} Sprint meets this requirement by providing all of its customers with access to operator services, including customer service and call completion.

7. Access to interexchange service. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls.^{14/} Sprint meets this requirement by providing all of its customers with the ability to make and receive interexchange calls. Most Sprint rate plans include nationwide interexchange calling at the same rate as local calls. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

8. Access to directory assistance. The ability to place a call to directory assistance is a required service offering.^{15/} Sprint meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

9. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no additional charge. 47 C.F.R. § 54.101(a)(9). Once designated as an ETC, Sprint will participate in Lifeline as required, and will provide toll control and/or toll blocking capability in satisfaction of the Commission’s requirement. Sprint currently has the

^{13/} *Id.* at 8817-18, ¶ 75.

^{14/} Equal access, however, is not required at this time. “The FCC do[es] not include equal access to interexchange service among the services supported by universal service mechanisms.” *Id.* at 8819, ¶ 78; *Definition of Universal Service Order* at ¶ 33 (“[W]e make no decision regarding equal access at this time. . . . [W]e defer consideration of this issue pending resolution of the *Portability Proceeding*.”).

^{15/} *First Report and Order*, 12 FCC Rcd at 8821, ¶ 80.

technology to provide toll limitation and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

C. Sprint Offers Supported Services Over Its Own Facilities.

A carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”^{16/} Sprint provides the supported services using its existing network infrastructure, which includes the antennas, cell-sites, towers, trunking, mobile switching, and interconnection facilities owned or leased by Sprint, used to serve PCS customers.

D. Sprint Advertises Its Universal Service Offering.

Sprint advertises the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated service area of both the services available and the corresponding charges. Sprint advertises its wireless services through several different media of general distribution throughout the service areas for which designation is requested.

III. SPRINT PROVIDES SERVICE THROUGHOUT THE SERVICE AREA IN ALABAMA FOR WHICH IT REQUESTS DESIGNATION.

Sprint requests ETC designation for the service area in Alabama depicted on the map attached as Exhibit B. Specifically, Sprint proposes a service area consisting of each of the non-rural ILEC wire centers in Alabama in which PCS service is available over the Sprint PCS network. To the extent Sprint serves only a portion of the wire center, Sprint requests ETC designation only in that portion of the wire center where it

^{16/} 47 U.S.C. § 214(e)(1)(A).

provides service. A map of the proposed service area is attached in Exhibit B, and a list of the full and partial wire centers included in the proposed service area is provided in Exhibit C.

Pursuant to the Act, a “service area” is a “geographic area established by a state commission . . . for the purpose of determining universal service obligations and support mechanisms.” 47 U.S.C. § 214(e)(5). For service areas served by non-rural ILECs, there are no restrictions on how a commission defines the “service area” for purposes of designating a competitive ETC. *Id.* Therefore, the Commission may designate Sprint as an ETC for a service area consisting of the non-rural ILEC wire centers set forth herein.

IV. GRANTING THIS APPLICATION WILL SERVE THE PUBLIC INTEREST.

Sprint need not make a separate public interest showing in connection with this Application, since it is seeking designation only in areas served by non-rural ILECs. The Commission has specifically rejected proposals to require such a showing from carriers seeking ETC designation for areas served by non-rural ILECs, holding:

[D]esignation of an additional ETC based upon a demonstration that the requesting carrier complies with the statutory eligibility obligations of section 214(e)(1) is consistent *per se* with the public interest. The carrier need make no further showing to satisfy this requirement.^{17/}

Nonetheless, Sprint confirms that a grant of its Application *will* serve the public interest by promoting additional deployment of wireless facilities and services to the high-cost

^{17/} *Federal-State Joint Board on Universal Service; Celco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, 16 FCC Rcd 39, 45, ¶ 14 (Com. Car. Bur. 2000).

areas served by non-rural ILECs in Alabama, and bringing consumers in those areas the benefits of additional competitive universal service offerings.^{18/}

The public interest is further served by the expeditious grant of this Application. The Commission has recognized that “excessive delay in the designation of competing providers may hinder the development of competition and the availability of service in many high-cost areas,” and therefore the Commission made a public commitment to resolve ETC petitions within six months or less after they are filed.^{19/} The Commission should abide by that commitment, and should expeditiously proceed to grant this petition. In recent ETC applications, a number of ILECs have argued, in effect, that because they dislike various aspects of the current universal service rules and have argued in the pending Joint Board proceeding that the rules be changed, therefore the Commission should ignore the existing rules and should reject or defer the applications.^{20/} The Commission must reject these arguments.^{21/} The only rules under

^{18/} See, e.g., *Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 17 FCC Rcd 9589, 9595, ¶ 13 (Wireline Comp. Bur. 2002) (“*Pine Belt*”) (“[F]or those areas served by non-rural telephone companies, the designation of an additional ETC based upon a demonstration that the requesting carrier complies with the statutory eligibility obligations of section 214(e)(1) is consistent *per se* with the public interest.”); *Cellco Partnership d/b/a ell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 16 FCC Rcd 39, 43, ¶ 8 (Com. Car. Bur. 2000) (“[A] policy of technological neutrality will foster competition by including providers, such as wireless providers, that may otherwise have been excluded from participation in the federal universal service mechanisms.”).

^{19/} *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, 15 FCC Rcd 12208, ¶ 94 (2000).

^{20/} Notably, much of the controversy over ETC applications has concerned the “public interest” standard to be applied to applications for ETC status in *rural* ILEC study areas pursuant to 47 U.S.C. § 214(e)(2) and (6). But that controversy has no relevance to the instant petition, since Sprint is applying for designation only in *non-rural* ILEC service areas.

which the Commission may lawfully operate today are those on the books today. Potential rule changes will be addressed in the Joint Board proceeding, and cannot lawfully be considered in an individual ETC designation proceeding. On this basis, the Wireline Competition Bureau has correctly granted other ETC applications notwithstanding ILEC objections: “We recognize that these parties raise important issues regarding high-cost support. We find, however, that these concerns are beyond the scope of this Order, which designates a particular carrier as an ETC.”^{22/} Thus, the Commission should proceed expeditiously to grant this Application.

V. HIGH COST CERTIFICATION.

Sprint certifies that all high-cost universal service support received in Alabama will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended. See Exhibit A, ¶ 18.

VI. ANTI-DRUG ABUSE CERTIFICATION.

Sprint certifies that no party to this petition is subject of a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the Commission’s rules, 47 C.F.R. §§ 1.2001-1.2003. See Exhibit A, ¶ 19.

^{21/} In particular, the Commission must reject the unfounded contention raised in certain past ETC applications that designating competitive entrants as ETCs would undermine access charge reform. See Sprint Reply Comments, ALLTEL Communications, Inc. Petitions for Designation as an Eligible Telecommunications Carrier in Alabama and Virginia, CC Docket No. 96-45 (filed July 14, 2003).

^{22/} *Cellular South License, Inc. Petition for Designation as an Eligible Telecommunications Carrier in Alabama*, 17 FCC Rcd 24393, ¶ 32 (Wireline Comp. Bur. 2002); see also *RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier in Alabama*, 17 FCC Rcd 23532, ¶ 32 (Wireline Comp. Bur. 2002).

CONCLUSION

Sprint respectfully requests that the Commission designate it as an ETC in Alabama on an expedited basis.

Respectfully submitted,

SPRINT CORPORATION

By: _____

Roger C. Sherman
Senior Attorney, PCS Regulatory Affairs
Sprint Corporation
401 Ninth St., N.W., Suite 400
Washington, D.C. 20004
(202) 585-1924

September 5, 2003

Exhibit A

Declaration of Luisa L. Lancetti

Pursuant to 47 C.F.R. § 1.16, Luisa L. Lancetti declares under penalty of perjury the following:

1. My name is Luisa L. Lancetti and I serve as Vice-President, PCS Regulatory Affairs for Sprint Corporation. My business address is 401 – 9th St., N.W., Washington, D.C. 20004. I am an authorized representative of Sprint Corporation's Wireless Division, which consists of Sprint Spectrum, L.P., WirelessCo, L.P., SprintCom, Inc., Sprint PCS License, L.L.C., APC PCS, LLC, PhillieCo, L.P., and other wholly-owned and controlled affiliates (collectively, "Sprint"), with regard to Sprint's Application for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Alabama ("Application"). I have read the foregoing Application and all information therein is true and correct to the best of my knowledge, information and belief.

2. Sprint is authorized to provide broadband personal communications service ("PCS") in Alabama pursuant to Part 24 of the Commission's rules. Sprint is a common carrier, consistent with the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1), and is a commercial mobile radio service provider as set forth in 47 U.S.C. § 332(c)(1).

3. Sprint intends to obtain universal service support funding in certain of the high-cost areas served by non-rural incumbent local exchange carriers ("ILECs") in Alabama, specifically BellSouth Telecommunications Inc., CenturyTel of Alabama LLC (Northern), and CenturyTel of Alabama LLC (Southern). As required, this funding will be used only to support the provision, upgrading, and maintenance of Sprint's all-digital wireless network in Alabama. As a result, Sprint will be able to increase the service quality and geographic coverage of its network. In addition, designation of Sprint as an ETC will speed the deployment of advanced wireless network facilities that support provision of both basic wireless services and higher-bandwidth and enhanced services to consumers in Alabama. As an ETC, Sprint will also offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. Sprint's service offerings are competitive with those of the ILECs.

4. Sprint provides all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Commission's rules, throughout the service area for which it seeks ETC designation in Alabama.

5. Voice-grade access to the public switched network. The Commission has concluded that voice-grade access means the ability to make and receive phone calls, within a specified bandwidth and frequency range. Sprint meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with local exchange carriers, all customers of Sprint are able to make and receive calls on the public switched telephone network within the specified bandwidth.

6. Local usage. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering. Sprint includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage.

7. Dual-tone multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Sprint provides signaling that is functionally equivalent to DTMF, such as out-of-band digital signaling, which satisfies this requirement.

8. Single-party service or its functional equivalent. Sprint meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

9. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Sprint currently provides its subscribers with access to 911 emergency services in accord with this requirement, and consistent with Commission regulations throughout the service area for which designation is sought. Sprint also provides Enhanced 911 services, including Phase I and Phase II E-911 services, where requested by local public safety authorities ready to receive the information and where such services are supported by the local exchange carrier.

10. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. Sprint meets this requirement by providing all of its customers with access to operator services, including customer service and call completion.

11. Access to interexchange service. Sprint meets the requirement of access to interexchange service by providing all of its customers with the ability to make and receive interexchange calls. Most Sprint rate plans include nationwide interexchange calling at the same rate as local calls. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

12. Access to directory assistance. The ability to place a call to directory assistance is a required service offering. Sprint meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

13. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no additional charge. 47 C.F.R. § 54.101(a)(9). Once designated as an ETC, Sprint will participate in Lifeline as required, and will provide toll control and/or toll blocking capability in satisfaction of the Commission’s requirement. Sprint currently has the technology to provide toll limitation and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

14. A carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.” Sprint provides the supported services using its existing network

infrastructure, which includes the antennas, cell-sites, towers, trunking, mobile switching, and interconnection facilities owned or leased by Sprint, used to serve PCS customers.

15. Sprint advertises the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated service area of both the services available and the corresponding charges. Sprint advertises its wireless services through several different media of general distribution throughout the service areas for which designation is requested.

16. Sprint requests ETC designation for the service area in Alabama depicted on the map attached as Exhibit B. Specifically, Sprint proposes a service area consisting of each of the non-rural ILEC wire centers in Alabama in which PCS service is available over the Sprint PCS network. To the extent Sprint serves only a portion of the wire center, Sprint requests ETC designation only in that portion of the wire center where it provides service. A map of the proposed service area is attached in Exhibit B, and a list of the full and partial wire centers included in the proposed service area is provided in Exhibit C.

17. A grant of Sprint's Application will serve the public interest by promoting additional deployment of wireless facilities and services to the high-cost areas served by non-rural ILECs in Alabama, and bringing consumers in those areas the benefits of additional competitive universal service offerings.

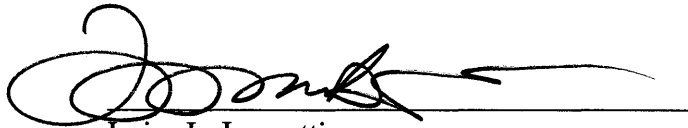
18. High-Cost Certification. Sprint certifies that all high-cost universal service support received in Alabama will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended.

19. Anti-Drug Abuse Certification. To the best of my knowledge, the applicant referred to in the foregoing Application, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002(b) of the Commission's rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on September 5, 2003.

A handwritten signature in black ink, appearing to read 'L. Lancetti', is written over a horizontal line.

Luisa L. Lancetti
Vice-President, PCS Regulatory Affairs
Sprint Corporation

Exhibit B

MAP OF SPRINT SERVICE AREA DEPICTING NON-RURAL
WIRE CENTERS WHERE ETC STATUS IS REQUESTED

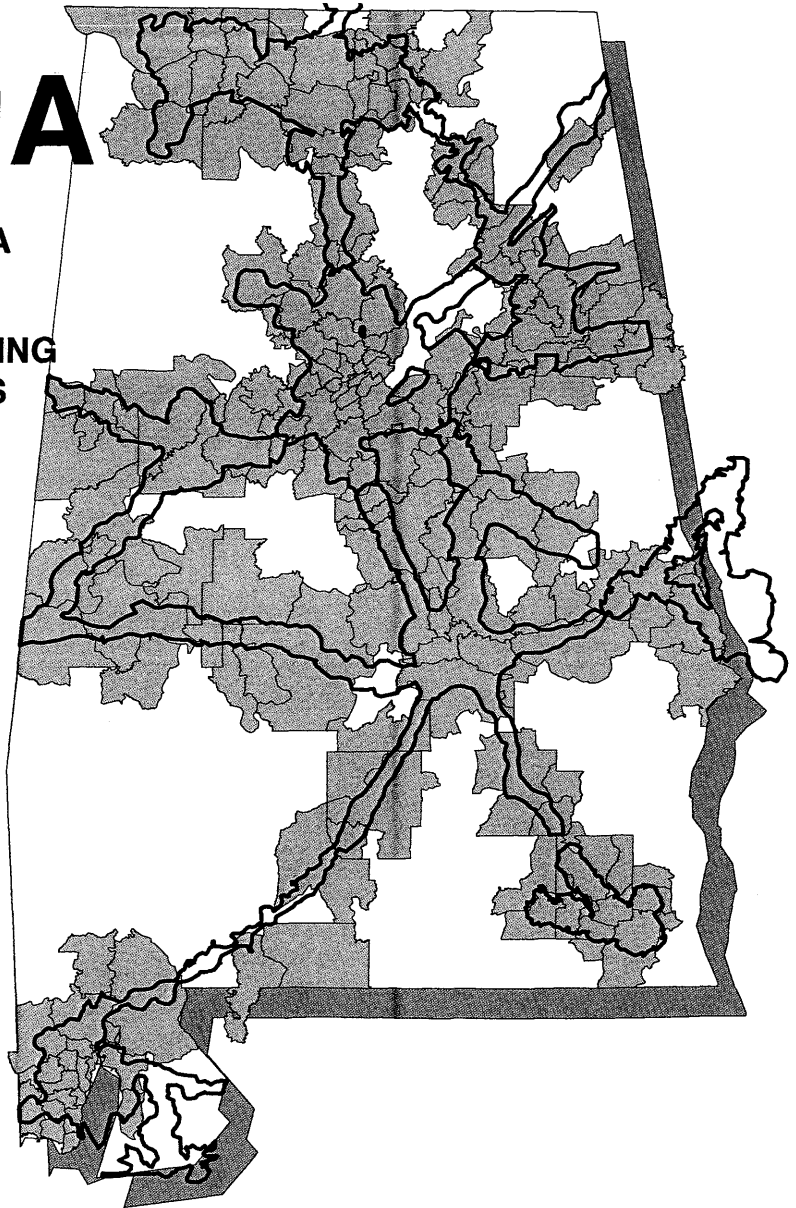
ALABAMA



SPRINT PCS SERVING AREA



**BELLSOUTH AND CENTURY
WIRE CENTERS INTERSECTING
SPRINT PCS WIRE CENTERS
FOR WHICH ETC STATUS IS
REQUESTED**



NonRural ILEC Wire Centers Served by Sprint Wireless
For Which ETC Status is Requested

ILEC	CLLI	WIRE CENTER NAME
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL		
ALBSALMA		ALABASTER
ALCYALMT		ALEX CITY
ALVLALMA		ALBERTVILLE
ANTNALLE		ANNISTON - LENLOCK
ANTNALMT		ANNISTON - M & T
ANTNALOX		ANNISTON - OXFORD
ATHNALER		ATHENS - ELK RIVER
ATHNALMA		ATHENS - MAIN
ATTLALNM		ATTALLA
AUBNALMA		AUBURN
BLFNALMA		BELLE FONTAINE
BOAZALMA		BOAZ
BRHMALCH		BIRMINGHAM - CAHABA HEIGHTS
BRHMALCP		BIRMINGHAM - CENTER POINT
BRHMALEL		BIRMINGHAM - EASTLAKE
BRHMALEN		BIRMINGHAM - ENSLEY
BRHMALEW		BIRMINGHAM - EASTWOOD
BRHMALFO		BIRMINGHAM - FORESTDALE
BRHMALFS		BIRMINGHAM - FIVE POINTS
BRHMALHW		BIRMINGHAM - HOMEWOOD
BRHMALMT		BIRMINGHAM - MAIN & TOLL
BRHMALOM		BIRMINGHAM - OAK MT
BRHMALOX		BIRMINGHAM - OXMOOR
BRHMALRC		BIRMINGHAM - RIVERCHASE
BRHMALTA		BIRMINGHAM - TARRANT
BRHMALVA		BIRMINGHAM - VALLEY
BRHMALWE		BIRMINGHAM - WEST END
BRHMALWL		BIRMINGHAM - WOODLAWN
BRTOALMA		BREWTON
BSMRALBU		BESSEMER - BUCKSVILLE
BSMRALHT		BESSEMER - HUEYTOWN
BSMRALMA		BESSEMER - MAIN
BYMNALMA		BAY MINETTE
CALRALMA		CALERA
CHBGALMA		CHILDERSBURG
CHLSALMA		CHELSEA
CLANALMA		CLANTON
CLMBALMA		COLUMBIANA
CLMNALMA		CULLMAN
CRDVALMA		CORDOVA
CRLDALMA		COURTLAND
DCTRALMT		DECATUR
DDVLALMA		DADEVILLE
DMPLALMA		DEMOPOLIS
DORAALMA		DORA
EUTWALBO		EUTAW - BOLIGEE
EUTWALMA		EUTAW - MAIN
EVRGALMA		EVERGREEN

NonRural ILEC Wire Centers Served by Sprint Wireless
For Which ETC Status is Requested

ILEC	CLL	WIRE CENTER NAME
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL		
FLRNALMA		FLORENCE
FMTNALMT		FLOMATON
FRHPALMA		FAIRHOPE
FTDPALMA		FORT DEPOSIT
FTPYALMA		FORT PAYNE
GDS DALHS		GADSDEN - HILLSIDE
GDS DALMT		GADSDEN - M & T
GDS DALRD		GADSDEN - RAINBOW DR
GDWRALMA		GOODWATER
GNBOALMA		GREENSBORO
GRDLALNM		GARDENDALE
GRLYALMA		GURLEY
GTVLALNM		GUNTERSVILLE
GYVLALNM		GRAYSVILLE
HLVIALMA		HOLTVILLE
HNVIALLW		HUNTSVILLE - LAKEWOOD
HNVIALMT		HUNTSVILLE - M & T
HNVIALPW		HUNTSVILLE - PARKWAY
HNVIALRA		HUNTSVILLE - REDSTONE AR
HNVIALRW		HUNTSVILLE - RESEARCH W
HNVIALUN		HUNTSVILLE - UNIVERSITY
HNVLALBR		HANCEVILLE - BREMEN
HNVLALNM		HANCEVILLE - MAIN
HRTSALNM		HARTSELLE - MAIN
HRTSALPE		HARTSELLE - PENCE
HZGRALMA		HAZEL GREEN
JCVLALMA		JACKSONVILLE
JSPRALMT		JASPER
KLLNALMA		KILLEN
LGTNALMA		LEIGHTON
LNDNALMA		LINDEN
LVTNALMA		LIVINGSTON
LXTNALMA		LEXINGTON
MARNALNM		MARION
MDSNALNM		MADISON
MNFDALMA		MUNFORD
MNTVALNM		MONTEVALLO
MOBLALAP		MOBILE - AIRPORT
MOBLALAZ		MOBILE - AZALEA
MOBLALBF		MOBILE - BAY FRONT
MOBLALOS		MOBILE - OLD SHELL
MOBLALPR		MOBILE - PRICHARD
MOBLALSA		MOBILE - SARALAND
MOBLALSE		MOBILE - SEMMES
MOBLALSF		MOBILE - SPANISH FT
MOBLALSH		MOBILE - SPRINGHILL
MOBLALSK		MOBILE - SKYLINE
MOBLALTH		MOBILE - THEODORE

NonRural ILEC Wire Centers Served by Sprint Wireless
For Which ETC Status is Requested

ILEC	CLLI	WIRE CENTER NAME
BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL		
MOLTALNM		MOULTON
MTGMALDA		MONTGOMERY - DALRAIDA
MTGMALMB		MONTGOMERY- MILLBROOK
MTGMALMT		MONTGOMERY - M & T
MTGMALNO		MONTGOMERY - NORMANDALE
MTVRALMA		MOUNT VERNON
OHTCALMA		OHATCHEE
OPLKALMT		OPELIKA
PDMTALMA		PIEDMONT
PHCYALFM		PHNIX CY-FT MITC
PHCYALMA		PHNIX CY-MAIN
PNSNALMA		PINSON
PRVLALMA		PRATTVILLE
RLVLALMA		RUSSELLVILLE
RRVLALMA		ROGERSVILLE
SELMALMT		SELMA
SHFDALMT		SHEFFIELD
SYLCALMT		SYLACAUGA
TLDGALMA		TALLADEGA-MAIN
TLDGALRF		TALLADEGA-RENFRO
TROYALMA		TROY
TSCLALDH		TUSCALOOSA - DRUID HILL
TSCLALMT		TUSCALOOSA - M & T
TSCLALNO		TUSCALOOSA
TSKGALMA		TUSKEGEE
TWCKALMA		TOWN CREEK
UNTWALNM		UNIONTOWN
VNCNALMA		VINCENT
WBTNALNM		WEST BLOCTON
WRRRALNM		WARRIOR
WTMPALMA		WETUMPKA
YORKALMA		YORK

CENTURYTEL TEL OF ALABAMA, LLC (SOUTHERN)

ARITALXA	ARITON
BNKSALXA	BANKS
BRNDALXA	BRUNDIDGE
DLVLALXA	DALEVILLE
DTHNALXA	DOTHAN
ECHOALXA	ECHO
ENTRALXA	ENTERPRISE
FRHMALXA	FORESTHOME
GNVLALXA	GREENVILLE
GRGNALXA	GEORGIANA
HDLDALXA	HEADLAND
MLCYALXA	MIDLAND CY
NWBCALXA	NEWBROCKTN
NWTNALXA	NEWTON

NonRural ILEC Wire Centers Served by Sprint Wireless
For Which ETC Status is Requested

ILEC	CLLI	WIRE CENTER NAME
<u>CENTURYTEL TEL OF ALABAMA, LLC (SOUTHERN)</u>		
	NWVIALXA	NEWVILLE
	OZRKALXA	OZARK
	SLCMALXA	SLOCOMB
	WCBGALXA	WICKSBURG
<u>CENTURY TEL OF ALABAMA, LLC (NORTHERN)</u>		
	ACVLALXA	ALICEVILLE
	ALBRALXA	ALBERTA
	BLBTALXA	BAYOU LA BATRE
	CHLFALXA	CHULAFINNE
	CRTNALXA	CARROLLTON
	DELTALXA	DELTA
	ETVLALXA	ETHEL SVL
	FLVLALXA	FALKVILLE
	FWRVALXA	FOWL RIVER
	GDBAALXA	GRAND BAY
	GORDALXA	GORDO
	HFLNALXA	HEFLIN
	IRSEALXA	IRVINGTON
	JMSNALXA	JEMISON
	LECTALXA	LECTA
	LNCLALXA	LINCOLN
	MENTALXA	MENTONE
	NTSLALXA	NOTASULGA
	ODRGALXA	ODEN RIDGE
	ORVLALXA	ORRVILLE
	PLCYALXA	PELL CITY
	RCFRALXA	ROCKFORD
	RFRMALXA	REFORM
	THRSALXA	THORSBY
	TLLSALXA	TALLASSEE
	TSVLALXA	TRUSSVILLE

Exhibit D



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P.O. BOX 981
MONTGOMERY, ALABAMA 36101-0881

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
GEORGE C. WALLACE, JR., ASSOCIATE COMMISSIONER

WALTER L. THOMAS, JR.
SECRETARY

**PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,**

Joint Petitioners

**PETITION: For ETC status and/or
clarification regarding the jurisdiction
of the Commission to grant ETC status
to wireless carriers.**

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

DOCKET U-4400 - #2

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 28414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (f)(a) effectuated in June of 1999, the APSC has no authority to regulate, in any respect, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

DOCKET U-4400 - #3

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this *12th* day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan
Jim Sullivan, President

Jim Cook
Jim Cook, Commissioner

George C. Wallace, Jr.
George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr.
Walter L. Thomas, Jr., Secretary